

APPEAL NO. 032480
FILED NOVEMBER 10, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was opened on July 23, 2003, and closed on August 15, 2003, after the appellant (attorney) failed to respond to a 10-day letter. The hearing officer determined that none of the attorney's fees were reasonable and necessary, that no good cause existed for the attorney's failure to appear, and that the attorney was ordered to reimburse respondent 1 (claimant) whatever fees had been paid to him pursuant to three Texas Workers' Compensation Commission (Commission) Orders for Attorney's Fees (Order).

The attorney appealed, contending that he had worked diligently on the case, and that he had not received the notice of the rescheduled CCH, or the 10-day letter, after a continuance had been granted. The file does not contain a response from either the claimant or respondent 2 (carrier).

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. Texas Workers' Compensation Commission Appeal No. 93809, decided October 25, 1993. In this case, the audiotape is a tangled mess and completely inaudible. Accordingly, we remand the case for reconstruction of the record.

On remand, the hearing officer is also directed to consider and make findings on whether the claimant's appeal of the Commission's Orders of November 18, 2002, and January 7, 2003, was timely in order to ascertain whether there was jurisdiction to rule on those appeals. See Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 152.3(d) (Rule 152.3(d))

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of

the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge